ROBERT H. REXRODE, III
California State Bar No. 230024
427 C Street, Suite 300
San Diego, California 92101
Telephone: (619) 233-3169, Ext. 13
Facsimile: (619) 684-3553
robert_rexrode@rexrodelawoffices.com

Attorney for Mr. Jose Baudilo Gastelum

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(**HONORABLE JANIS L. SAMMARTINO**)

UNITED STATES OF AMERICA, Plaintiff, v. JOSE BAUDILIO GASTELUM, Defendant.	CASE NO. 08cr2032-JLS DATE: August 21, 2008 TIME: 9:00 a.m. MOTION TO EXTEND TIME

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY,
CHARLOTTE KAISER, ASSISTANT UNITED STATES ATTORNEY

Mr. Gastelum, by and through counsel, Robert Rexrode, asks this court to grant leave to file his pre-trial motions one business-day beyond the time period for filing.

Mr. Gastelum attempted to timely file his motions on August 7, 2008, but due to counsel's filing errors, his motions were rejected. In rejecting Mr. Gastelum's motions, on August 8, 2008, this Court granted counsel leave to file a brief in excess of the page limit, and granted him leave to file his motions on August 8, 2008. *See* Docket No. 25.

Defense counsel was out of the office on August 8, 2008. For this reason, defense counsel requests leave to file his motions an additional business-day late, on August 11, 2008. Counsel did deliver a courtesy copy of his motions to both the Court and the prosecutor assigned to this case on August 7, 2008, hopefully alleviating any inconvenience in his late filing.

Respectfully submitted,

Dated: August 10, 2008

/s/ Robert H. Rexrode
ROBERT H. REXRODE, III
Attorney for Mr. Gastelum
robert_rexrode@rexrodelawoffices.com

ROBERT H. REXRODE, III
California State Bar No. 230024
427 C Street, Suite 300
San Diego, California 92101
Telephone: (619) 233-3169, ext. 13
Facsimile: (619) 684-3553
robert_rexrode@rexrodelawoffices.com

Attorney for Mr. Jose Baudilo Gastelum

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(**HONORABLE JANIS L. SAMMARTINO**)

UNITED STATES OF AMERICA, Plaintiff, v. JOSE BAUDILIO GASTELUM, Defendant.	CASE NO. 08cr2032-JLS PROOF OF SERVICE

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his information and belief, and that a copy of the foregoing document has been served via CM/ECF and email this day upon:

Charlotte Kaiser, Assistant United States Attorney
charlotte.kaiser@usdoj.gov

Respectfully submitted,

/s/ Robert H. Rexrode

Dated: August 10, 2008

ROBERT H. REXRODE, III
Attorney for Defendant
robert_rexrode@rexrodelawoffices.com